

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Gail Moe)	Case No. 11 CV 2544
)	
v.)	Honorable Milton Shadur
)	
Alexander Lumber Co.,)	
)	
Defendant.)	

**MOTION TO INFORM THE COURT OF ITS AMENDED ANSWER AND DEFENSES
BEING FILED UNDER FED. CIV. P. R. 15(a)(1)**

Defendant, Alexander Lumber Co. by and through its attorney, Sean F. Darke of Wessels Sherman Joerg Liszka Laverty Seneczko P.C., informs this court that an amended answer and defenses will be filed by June 24, 2011 in accordance with Fed. R. Civ. P. 15(a)(1). Defendant states as follows in support of their motion:

1. Plaintiffs filed their initial Complaint in this District on or about April 15, 2011 asserting claims under multiple civil rights statutes. See Docket Entry #1.
2. On April 15, 2011, Plaintiff also filed her pro se appearance with this court. See Docket Entry #2.
3. On April 20, 2011, this court set June 3, 2011 as the initial status date, but at the request of the parties the matter was continued to June 17, 2011. See Docket Entry # 5 & 6.
4. On June 16, 2011, by the request of counsel this court continued the June 17, 2011 status hearing to July 22, 2011 at 9:00 a.m. See Docket Entry # 7.
5. On June 21, 2011, Defendant filed its answer and defenses to Plaintiff's complaint. See Docket Entry # 8.

6. Under Fed. R. Civ. P. 15(a)(1) “[a] party may amend its pleading once as a matter of course within: (A) 21 days after serving it....” Here, Defendant filed and served its answer and defenses on June 21, 2011 around 5:40 p.m. See Docket Entry #8. Because Defendant will be filing an amended answer and defenses within 21 days, Defendant requests this court not to issue any orders regarding the original answer and defenses, as Defendant is amending its answer and defenses under Fed. R. Civ. P. 15(a)(1).

Defendant Alexander Lumber Co. seeks from this court that no action is taken until it files its amended answer and defenses in accordance with Fed. R. Civ. P. 15(a)(1), which will occur by Friday, June 24, 2011.

Dated: June 22, 2011

ALEXANDER LUMBER CO.

By: s/ Sean F. Darke
Sean F. Darke

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